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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,555	04/30/2001	Keishi Danjo	35.G2791	7015

5514 7590 01/19/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

PATEL, ASHOK

ART UNIT	PAPER NUMBER
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2879

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/846,555

Applicant(s)

DANJO ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6 and 8-34 is/are pending in the application.
- 4a) Of the above claim(s) 11,12 and 18-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,6 and 8-27 is/are rejected.
- 7) ☒ Claim(s) 28-34/5,6,13-15,22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Applicant's election of Species I, claims 5, 6, 13-14, 22-23 and all claims that depend directly or indirectly upon claims 5, 6, 13-14 and 22-23, is acknowledged in the reply filed on 10/19/2006. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 11, 12, 18-21 and all claims that depend directly or indirectly upon claims 11, 12, and 18-21 are withdrawn from consideration.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5, 6, 13-15, 22-24, 8-10/5, 8-10/6, 16-17/13, 16-17/14, 16-17/15, 25-27/22, 25-27/23 and 25-27/24 are rejected under 35 U.S.C. 102(b) as being anticipated by Endo et al (USPN 5,189,337).

As to claims 5, 6, 8-10 and 13-27 Endo et al disclose applicant's claimed precursor (Figures 1-2) including a substrate (3); and a first insulating film (ultrafine SiO₂ film 6)

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containing electrically conductive particulate metal oxide (SnO_2 , InO_2 , Sb_2O_3) particles (col. 3, 3rd paragraph) provided on a surface of the substrate in an area except for a partial (side) surface area of the surface; and a second insulating film (4) provided on the first insulating film so as to cover the metal oxide, wherein the second insulating film includes a surface.

Applicant's claimed limitations, such as electron source, electron emitting device, supporting frame (in independent claims 5, 6, 13, 14, 22, 23), and getter (in independent claims 22 and 23) are not given patentable weight since these elements are not part of the claimed precursor.

4. Claims 28/5, 28/6, 28/13, 28/14, 28/15, 28/22, 28/23 and 28/24, and 31/5, 31/6, 31/13, 31/14, 31/15, 31/22, 31/23 and 31/24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 28/5, 28/6, 28/13, 28/14, 28/15, 28/22, 28/23 and 28/24, prior art of the record does not disclose applicant's claimed electron source including the limitations of the precursor of base claim 5 or 6 or 13 or 14 or 22 or 23,

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including a supporting frame, and image display apparatus (and further a getter in case of claims 22 and 23).

As to claims 31/5, 31/6, 31/13, 31/14, 31/15, 31/22, 31/23 and 31/24, prior art of the record does not disclose applicant's claimed image display device including an electron source which includes the precursor of base claim 5 or 6 or 13 or 14 or 22 or 23, including a supporting frame, and image display apparatus, (and further a getter in case of claims 22 and 23).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Endo et al is cited for showing a general structure of a precursor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ashok Patel
Primary Examiner
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